



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2014-08

LEGISTAR #: 20140461

PROPERTY OWNER: Rosa Lee Collins
443 Roosevelt Circle
Marietta, GA 30060

PROPERTY ADDRESS: 443 Roosevelt Circle

PARCEL DESCRIPTION: Land Lot 11620, District 16, Parcel 0080

AREA: 0.161 acs. **COUNCIL WARD:** 5A

EXISTING ZONING: R-4 (Single Family Residential 4 units/acre)

REQUEST: R-4 w/additional use (duplex)

FUTURE LAND USE

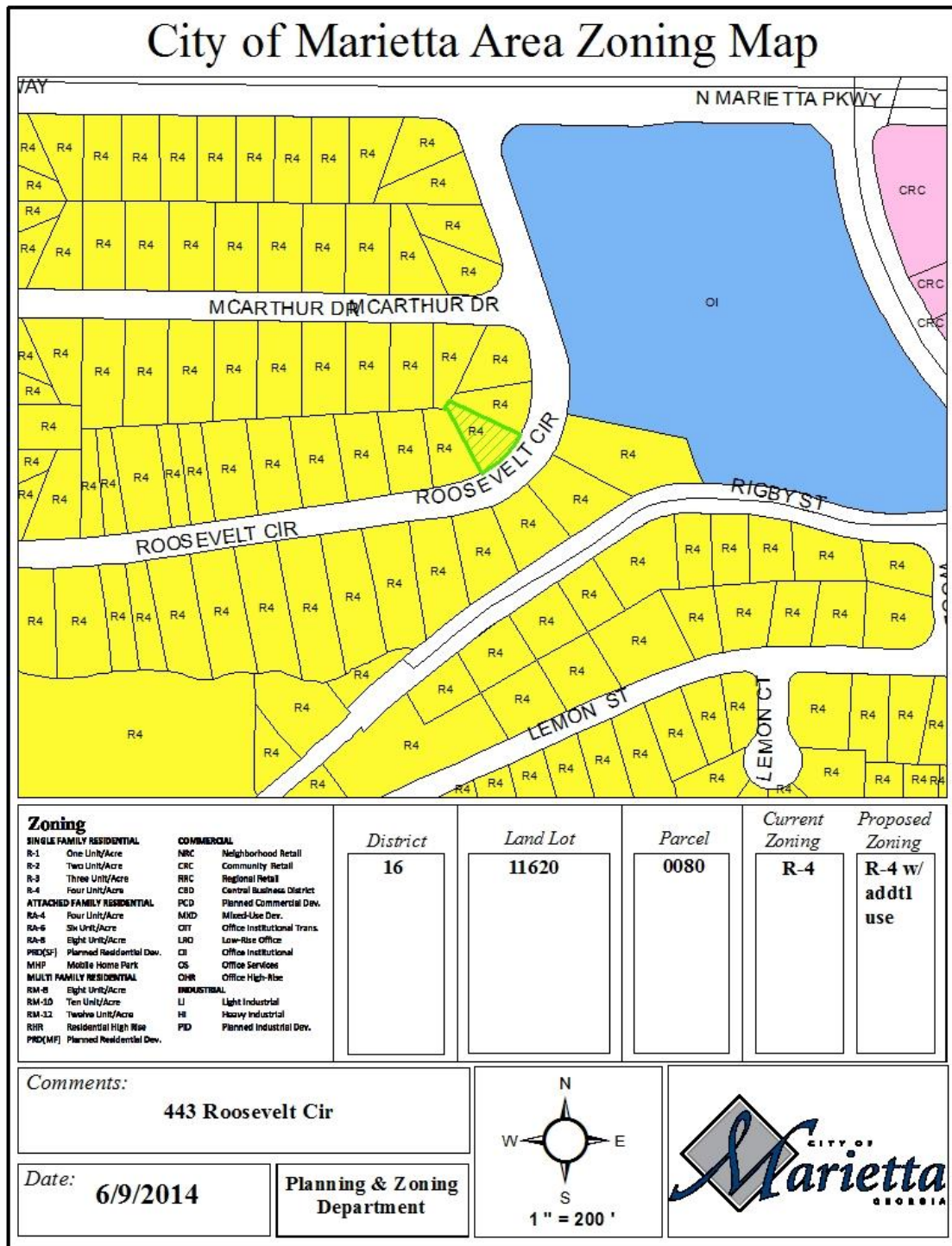
RECOMMENDATION: MDR (Medium Density Residential)

REASON FOR REQUEST: The applicant is requesting the rezoning of this property so it may be legally used as a duplex.

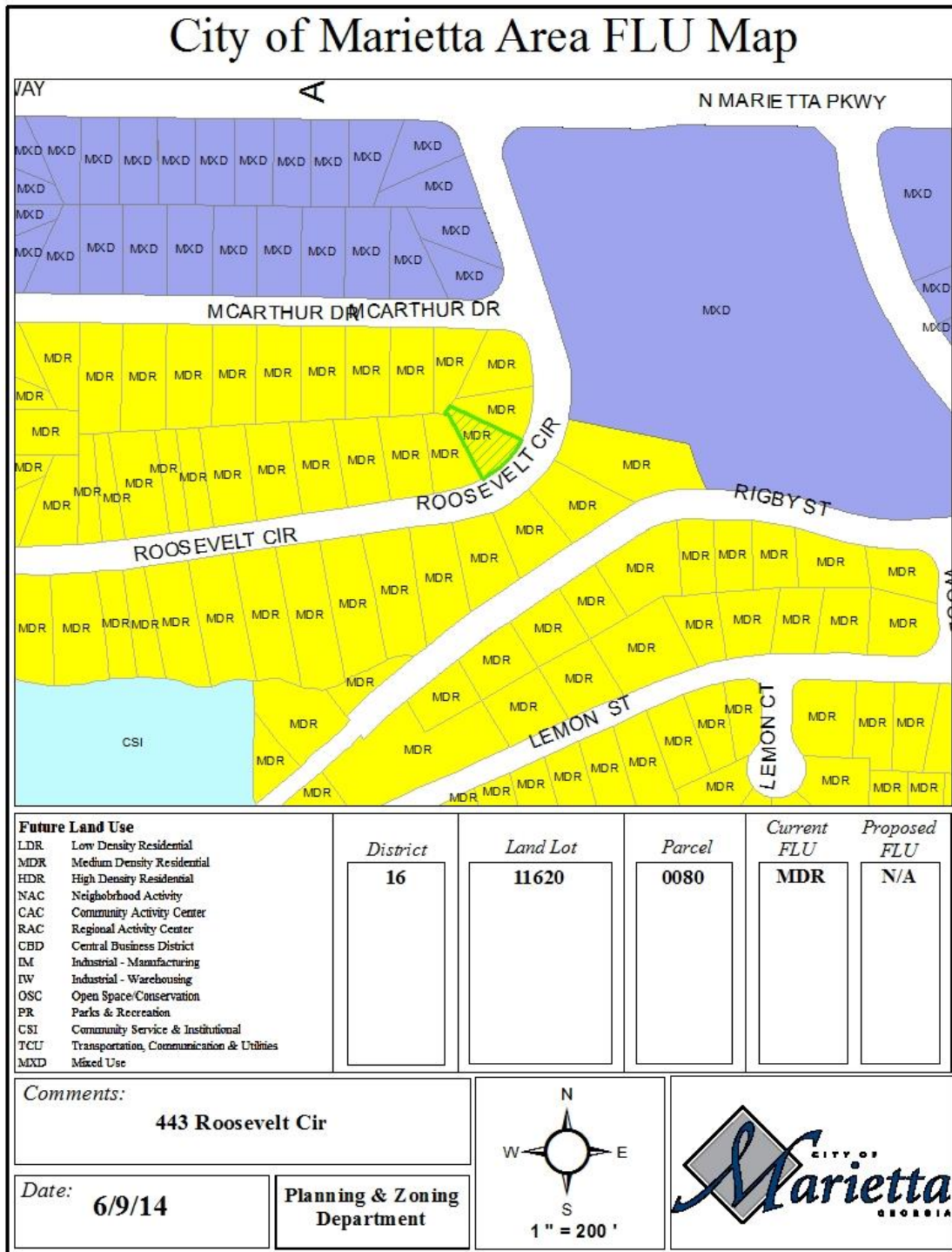
PLANNING COMMISSION HEARING: Tuesday, July 1, 2014 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, July 9, 2014 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



View from Roosevelt Circle with parking showing



View from Roosevelt Circle



View of parking area

STAFF ANALYSIS

Location Compatibility

Rosa Lee Collins is requesting the property located at 443 Roosevelt Circle be rezoned from R-4 (Single Family Residential – 4 units/ac) to R-4 (Single Family Residential – 4 units/ac) with additional use so the property may be legally reestablished as a duplex. The 0.16 acre parcel of property contains a residential structure where Ms. Collins resides, and which had been used as a duplex until the utilities were terminated on one side (445 Roosevelt Circle) on March 21, 2013. (*Section 706.02 of the Zoning Ordinance regarding Nonconforming Uses states that once the property has been vacant for more than 6 months, a nonconforming use cannot be reestablished.*) Staff has been informed that Ms. Collins' son was the occupant of the vacated side of the duplex until he passed away.

With this request, Ms. Collins would like to reestablish the use of the property as a duplex so that the unit can be occupied by her sister.

The majority of the surrounding properties are zoned R-4, except for the Turner Chapel property across Roosevelt Circle that is zoned OI, Office Institutional. The adjacent residential properties are a mix of single family residences and duplexes.

Use Potential and Impacts

The subject property was originally built as a duplex. According to Cobb County Tax Assessor records the structure was built in 1943, and aerial photographs of the area show that the entire subdivision was completed by 1961. Research into zoning regulations indicates that the 1974 Zoning Ordinance included duplexes, along with single family residences, as permitted uses under the R-10 zoning classification.

By the time the 1984 Zoning Ordinance was approved, duplexes were eliminated as a permitted use in R-10. So at that time, any duplexes that had already been built became nonconforming uses.

In 1998, a new Zoning Ordinance was approved, and under the zoning classification system, R-10 became R-4, which is the category under which the property is zoned today.

Section 706, Nonconforming Uses, allows a use that is nonconforming to continue, except that it cannot be "Reestablished after discontinuance for a continuous period of 6 months or 18 months during any 3 year period". The intent of the nonconforming use clause in the Zoning Ordinance is to permit non-conformities to continue until they are removed, but not to encourage their survival. Marietta's code is similar to many other codes, including Cobb County, in that "grandfathered" uses do not survive if disestablished for a period of time.



In similar circumstances, rezoning of nonconforming properties have been approved with a condition that if the main structure is demolished, the zoning will revert back to the original R-4 zoning, without the residential duplex use.

The following structures in that neighborhood were previously legally nonconforming duplexes, but have now been converted to legal single family residences:

- 253 McIntosh Avenue (permitted, but still under construction as of 6/12/14)
- 269 McIntosh Avenue
- 351 McArthur Drive
- 333 Roosevelt Circle

Also, the following properties on Roosevelt Circle are no longer using them as duplexes, but have not yet been converted to single-family homes. These properties have been notified by Code Enforcement that they can no longer be used as duplexes:

- 384/386 Roosevelt Circle
- 405/407 Roosevelt Circle
- 446/446-A Roosevelt Circle

In addition, several new single family residences have been constructed on Roosevelt Circle and on McArthur Drive. At this time, there are currently only two legally nonconforming duplexes on McArthur Drive.

There have been other properties in the City that have lost their nonconforming use status, and have been renovated and converted to single family homes. These properties include:

- 253 McArthur Drive
- 269 McIntosh Avenue
- 450 Morningside Drive
- 447 Birney Street
- 233 Roosevelt Circle

In December 2013 City Council did approve the rezoning of two properties on Gramling Street in order to allow duplexes to be re-established as permitted uses in an R-4 zoned district. Those properties are:

- 107-109 Gramling Street
- 120-122 Gramling Street

The Future Land Use (FLU) of this parcel, as specified in the City's Comprehensive Plan, is Medium Density Residential (MDR). The FLU serves as a guide for long-term growth and how development should occur over time and into the future. The purpose of the Medium Density Residential category is to provide for areas that are suitable for housing with densities from three (3) to six (6) dwelling units per acre. R-4 zoning is compatible with the MDR Future Land Use, and is compatible with the current development in the area.



Environmental Impacts

Any proposed changes to the site should be minimal, so there should be no additional environmental impacts caused by the proposed request. There is no indication of any wetlands, streams, or endangered species existing on the property.

Economic Functionality

The Roosevelt Circle area was developed with a mix of duplexes and single family homes, during the 1940s-1950s, and the majority of the properties have been used consistently as residences. Most of the duplexes are rental units, and some have deteriorated due to lack of maintenance.

Infrastructure

There is a parking pad on Roosevelt Circle that provides 3 to 4 parking spaces for this residential unit. Current regulations require 2 parking spaces per unit.

History of Property

There is no history of any variances, Special Land Use Permits, or past rezonings for this property.

ANALYSIS & CONCLUSION

Rosa Lee Collins is requesting the property located at 443 Roosevelt Circle be rezoned from R-4 (Single Family Residential – 4 units/ac) to R-4 (Single Family Residential – 4 units/ac) with additional use so the property may be legally reestablished as a duplex. The 0.16 acre parcel of property contains a residential structure where Ms. Collins resides, and which had been used as a duplex until the utilities on one side (445 Roosevelt Circle) were terminated on March 21, 2013. Staff has been informed that Ms. Collins son was the occupant of the vacated side of the duplex until he passed away. With this request, Ms. Collins would like to reestablish the use of the property as a duplex so that the unit can be occupied by her sister.

Section 706, Nonconforming Uses, allows a use that is nonconforming to continue, except that it cannot be “Reestablished after discontinuance for a continuous period of 6 months or 18 months during any 3 year period”. The stated intent of the nonconforming use clause in the Zoning Ordinance is to permit non-conformities to continue until they are removed, but not to encourage their survival.

The following structures in that neighborhood were previously legally nonconforming duplexes, but have now been converted to legal single family residences:

- 253 McIntosh Avenue (permitted, but still under construction as of 6/12/14)
- 269 McIntosh Avenue
- 351 McArthur Drive
- 333 Roosevelt Circle

Should approval of the proposed zoning request be considered, the following language may need to be included since it has been used for other nonconforming properties in similar situations:

- The use of the property as a duplex is hereby approved; however, if the main structure is demolished, the zoning will revert back to R-4, without the residential duplex use.

The Future Land Use (FLU) of this parcel, as specified in the City’s Comprehensive Plan, is Medium Density Residential (MDR). The FLU serves as a guide for long-term growth and how development should occur over time and into the future. The purpose of the Medium Density Residential category is to provide for areas that are suitable for housing with densities from three (3) to six (6) dwelling units per acre. R-4 zoning is compatible with the MDR Future Land Use, and is compatible with the current development in the area.

Prepared by: _____

Approved by: _____



MARIETTA BOARD OF LIGHTS & WATER

WATER –

Is there a water line adjacent to the property?	Yes
If not, how far is the closest water line?	---
Size of water line?	6-inch
Capacity of water line?	Available
Approximate water usage by proposed use?	Not provided

WASTEWATER –

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	---
Size of sewer line?	8-inch
Capacity of the sewer line	A.D.F. Peak - Available
Estimated waste generated by proposed development?	Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County



DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?	No
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

Transportation

What is the road affected by the proposed change?	Roosevelt Circle
What is the classification of the road?	Local
What is the traffic count for the road?	No Data Available
Estimated number of cars generated by the proposed development? **	---
Estimated number of trips generated by the proposed development? **	---
Do sidewalks exist in the area?	Yes
Transportation improvements in the area?	No
If yes, what are they?	---



If land disturbance is proposed, Site Plans may be required for construction. If required, Site Plans may include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent property, roads, and areas), stormwater quality (bioretention or other), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal, if it is required. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Station 51
Distance of the nearest station?	0.6 miles
Most likely station for 1 st response?	Station 51
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

Comments:

Comply with all state and local codes for occupancy classification including but not limited to sprinkler system, fire alarm system, and protection of hazards.

MARIETTA POWER – ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments:



MARIETTA CITY SCHOOLS

Elementary School System Servicing Development	AL Burruss Elementary
Middle School Servicing Development	Marietta Middle School
High School Servicing Development	Marietta High School
Capacity at Elementary School	500-600
Capacity at Middle School	1300-1400
Capacity at Marietta Sixth Grade Academy	800-900
Capacity at High School	2500-2600
Current enrollment of Elementary School	473
Current enrollment of Middle School	1268
Current enrollment of High School	2002
Number of students generated by present development	0
Number of students projected from the proposed development	0
New schools pending to serve this area	No impact
<u>Comments:</u>	